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## REGISTER OF ACTIONS

CASE NO. D-101-CV-2016-02648

James Walker v. Kimberly Barreras, et. al.

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§  
§  
§

Case Type: Tort  
Date Filed: 11/15/2016  
Location: Santa Fe County  
Judicial Officer: Ortiz, Raymond Z.

### RELATED CASE INFORMATION

#### Related Cases

M-56-TR-2016-01117 (Same Party - Same Incident)

### PARTY INFORMATION

Defendant	Barreras, Kimberly	Attorneys
Defendant	New Mexico Department of Transportation	
Defendant	State of New Mexico	
Plaintiff	Walker, James	
		Terry R. Guebert Retained 505-823-2300(W)
		Robert F. Gentile Retained 505-823-2300(W)

### EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS	
11/15/2016	<b>Cause Of Actions</b> Action Type Tort: Personal Injury Auto (Count I: Negligence Against the State of New Mexico and NMDOT)
11/15/2016	<b>Cause Of Actions</b> Action Type Tort: Personal Injury Auto (Count II: Negligence Against Kimberly Barreras)
11/15/2016	<b>Cause Of Actions</b> Action Type Tort: Personal Injury Auto (Count III: Negligence Per Se Against Kimberly Barreras)
11/15/2016	<b>Cause Of Actions</b> Action Type Tort: Personal Injury Auto (Count IV: Damages)
11/15/2016	<b>OPN: COMPLAINT</b> Complaint to Recover Damages for Personal Injury
11/15/2016	<b>JURY DEMAND 12 PERSON</b> Jury Demand
11/18/2016	<b>JDG: JUDGE EXCUSAL/CHALLENGED ON CAUSE</b> Peremptory Excusal
11/18/2016	<b>NTC: JUDGE ASSIGNMENT</b> Case has been Reassigned to Judge Raymond Z. Ortiz effective 11-18-16 due the Excusal of Judge David Thomson
11/23/2016	<b>SUMMONS ISSUED</b> Summons - The State of New Mexico - AG
11/23/2016	<b>SUMMONS ISSUED</b> Summons - The State of New Mexico - Risk Management
11/23/2016	<b>SUMMONS ISSUED</b> Summons - NMDOT - AG
11/23/2016	<b>SUMMONS ISSUED</b> Summons - NMDOT - Risk Management
11/23/2016	<b>SUMMONS ISSUED</b> Summons - NMDOT
11/23/2016	<b>SUMMONS ISSUED</b> Summons - Kimberly Barreras
12/14/2016	<b>SUMMONS RETURN</b> Return of Service - NMDOT - Risk Management
12/14/2016	<b>SUMMONS RETURN</b> Return of Service - NMDOT
12/14/2016	<b>SUMMONS RETURN</b> Return of Service - NMDOT - AG
12/14/2016	<b>SUMMONS RETURN</b> Return of Service - The State of NM - AG

### FINANCIAL INFORMATION

	<b>Plaintiff</b> Walker, James		
	Total Financial Assessment		
	Total Payments and Credits		432.00
	<b>Balance Due as of 12/22/2016</b>		<b>432.00</b>
			<b>0.00</b>
11/16/2016	Transaction Assessment		
11/16/2016	File & Serve Payment	Receipt # SFED-2016-12030	
		Walker, James	432.00
			(432.00)

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT

Cause No. D-101-CV-2016-02648

Case assigned to Thomson, David K.

JAMES WALKER,

Plaintiff,

v.

KIMBERLY BARRERAS,  
THE STATE OF NEW MEXICO, and NEW MEXICO  
DEPARTMENT OF TRANSPORTATION,

Defendants.

### **COMPLAINT TO RECOVER DAMAGES FOR PERSONAL INJURY**

COMES NOW Plaintiff, James Walker, by and through his attorneys, Guebert Bruckner P.C. (Terry R. Guebert and Robert F. Gentile), and for his cause of action against Defendants, states as follows:

#### **PARTIES, JURISDICTION AND VENUE**

1. Plaintiff James Walker is a resident of Three Rivers, Michigan.
2. Defendant State of New Mexico and Defendant New Mexico Department of Transportation ("NMDOT") are governmental entities within the meaning of the Tort Claims Act, NMSA 1978, §§41-4-1 et seq.
3. Defendant State of New Mexico and Defendant New Mexico Department of Transportation ("NMDOT") are the entities with authority to repair and maintain Interstate 40 within New Mexico state boundaries.
4. Upon information and belief, Defendant Kimberly Barreras is a resident of Bernalillo County, New Mexico.

5. This Court has jurisdiction over the parties and the subject matter.
6. Venue is proper in this Court pursuant to NMSA 1978 §§ 38-3-1 (F) and 41-4-18.

**FACTS COMMON TO ALL COUNTS**

7. On October 20, 2016, a dry, clear day, at approximately 9:10 a.m., Mr. Walker was traveling westbound on Interstate 40 when he passed exit 194, in Moriarty, New Mexico.
8. Upon information and belief, Ms. Barreras was attempting to go to McCall's Pumpkin Patch, which is located west of exit 194 on Interstate 40.
9. The exit for McCall's Pumpkin Patch is exit 196. There is no access to McCall's Pumpkin Patch from exit 194, the nearest exit to the patch.
10. Ms. Barreras took the incorrect exit for the pumpkin patch and because there is no access to the pumpkin patch, Ms. Barreras was forced to re-enter Interstate 40.
11. The next exit on Interstate 40 westbound after exit 194 is located in Edgewood, New Mexico, approximately 8 miles away.
12. Instead of safely traveling to the next exit, Ms. Barreras pulled over to the far right side of the Interstate near exit 194, and was going to attempt to use the crossover in the median to turn around to go east on the Interstate.
13. As Ms. Barreras proceeded to drive back onto the roadway to utilize the crossover, she pulled across several lanes of traffic and directly into Mr. Walker's path as he was traveling westbound on the Interstate.
14. Despite Mr. Walker's attempts to avoid Ms. Barreras' vehicle, her vehicle collided with Mr. Walker's, and caused a serious accident.
15. As a result of the collision, Mr. Walker suffered serious debilitating injuries, which required him to be air lifted to the University of New Mexico Hospital.

**COUNT I:  
Negligence Against The State of New Mexico and NMDOT**

16. Plaintiff realleges Paragraphs 1 through 15 pursuant to Rule 1-010(c) NMRA.

17. The State of New Mexico and NMDOT have a duty to exercise ordinary care to protect the general public from foreseeable harm on its roadways. This includes the maintenance, repair, signage and identification of hazards on Interstate 40 at/near the site of the subject accident including, but not limited to, the crossover in the median in question. The absence of traffic controls is a condition of the highway and is therefore subject to maintenance and repair duties of the State of New Mexico and NMDOT.

18. The State of New Mexico and NMDOT knew or should have known that the roadway lacked the appropriate traffic controls necessary to allow drivers to safely proceed on Interstate 40, including avoid use of the crossover in question.

19. Upon information and belief, the crossover in question is routinely used by motorists as a means for turning around.

20. Upon information and belief, the crossover in question has been the site of numerous accidents in years' prior involving motorists who were attempting to turn around.

21. Upon information and belief, Defendant Barreras came upon the highway crossover in question and was attempting to use it when the accident happened.

22. Due to the lack of traffic signs, markings, warnings, and traffic control devices Ms. Barreras made decisions and took actions that contributed to the negligent disregard of motorists traveling on the highway.

23. Following the accident, the New Mexico Department of Transportation and/or the State of New Mexico placed signage and undertook additional maintenance responsibilities for

the highway, including, but not limited to, placing orange barrels and warning tape around the crossover in question.

24. The State of New Mexico and/or NMDOT were negligent in failing to properly maintain, provide traffic control devices or repair Interstate 40.

25. The negligence by the State of New Mexico and/or NMDOT was the actual and proximate cause of injuries suffered by the Plaintiff.

**COUNT II:  
Negligence Against Kimberly Barreras**

26. Plaintiff incorporates by reference the foregoing allegations contained in Paragraphs 1 through 25 pursuant to Rule 1-010(c) NMRA.

27. At all times relevant to the allegations in this Complaint, Defendant Barreras owed a duty of care to the Plaintiff to act as a reasonable and prudent motorist.

28. Defendant Barreras breached this duty and was therefore negligent.

29. At the time of the accident, New Mexico had numerous traffic statutes and/or ordinances in effect.

30. Defendant Barreras' tortious conduct includes, but is not limited to:

- a. Failing to maintain a proper lookout;
- b. Operating a motor vehicle in a careless and/or reckless manner;
- c. Failing to pay proper attention to the roadway and conditions present while operating a vehicle;
- d. Failing to make a timely application of her brakes; and/or
- e. Failing to take proper evasive action to avoid striking Mr. Walker.

31. Defendant Barreras' conduct that breached her duty of care included a high risk of danger and was done with utter indifference to the consequences, which amounts to recklessness as defined by New Mexico law.

32. By doing and/or failing to do the acts described, Defendant Barreras was the direct and/or a proximate cause of Plaintiff's resultant injuries and damages.

**COUNT III:  
Negligence *Per Se* Against Kimberly Barreras**

33. Plaintiff incorporates by reference the foregoing allegations contained in Paragraphs 1 through 32 pursuant to Rule 1-010(c) NMRA.

34. At the time of the above referenced event, there were in force and effect certain statutes and ordinances that were violated by Defendant, including but not limited to:

- a. NMSA 1978, § 66-8-113. Reckless driving;
- b. NMSA 1978, § 66-8-114. Careless driving;
- c. NMSA 1978, § 66-7-328. Vehicle approaching or entering intersection;  
and
- d. NMSA 1978, § 66-7-332.1. Approach of oncoming vehicle; yield right of way.

35. These statutes prohibit certain actions and/or create a standard of conduct when operating a motor vehicle and Ms. Barrera's conduct represents an unexcused violation of these standards.

36. Plaintiff belongs to a class of persons to which these statutes were meant to protect, and the harm or injury is generally of the type these statutes seek to prevent.

37. As a direct and proximate cause of Ms. Barrera's violations of New Mexico state law, Plaintiff suffered serious injuries, has incurred and will continue to incur substantial medical expenses, has incurred and will continue to incur pain and suffering, has incurred and will continue to incur loss of earnings, and has incurred and will continue to incur substantial loss of enjoyment of life

**COUNT IV:  
Damages**

38. Plaintiff realleges Paragraphs 1 through 37 pursuant to 1-010(c) NMRA.

39. As a direct and proximate result of the actions of the Defendants enumerated above, Mr. Walker sustained serious personal injuries, which caused or contributed to his pain and suffering. As a direct and proximate result of the actions of the Defendants enumerated above, Mr. Walker is entitled to an award of monetary damages for the pain and suffering, the reasonable expenses of necessary medical care and treatment, disfigurement, permanent impairment, loss of enjoyment of life, and other damages available under New Mexico law in an amount to be determined by the Court at trial.

40. The acts or omissions of Defendants show a sufficient culpable mental state as to justify an award of punitive damages for the reckless and indifference to Mr. Walker resulting in injury and damage to Mr. Walker.

WHEREFORE, the Plaintiff requests compensatory and punitive damages, costs, pre and post judgment interest and such other relief as permitted by law against the Defendants.

Respectfully Submitted,

GUEBERT BRUCKNER P.C.

By /s/ Robert F. Gentile

Terry R. Guebert

Robert F. Gentile

P.O. Box 93880

Albuquerque, NM 87199-3880

(505) 823-2300

tguebert@guebertlaw.com

rgentile@guebertlaw.com

*Attorneys for Plaintiff*

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STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT

Cause No. D-101-CV-2016-02648

JAMES WALKER, Case assigned to Thomson, David K.

Plaintiff,

v.

KIMBERLY BARRERAS, and  
THE STATE OF NEW MEXICO, and  
NEW MEXICO DEPARTMENT OF TRANSPORTATION,

Defendants.

### JURY DEMAND

COMES NOW Plaintiff, James Walker, by and through his attorneys,  
Guebert Bruckner P.C., and demands trial by jury consisting of twelve (12) members and deposits  
three hundred dollars (\$300.00) with the Clerk of the Court herewith.

GUEBERT BRUCKNER P.C.

By /s/ Robert F. Gentile

Terry R. Guebert  
Robert F. Gentile  
P.O. Box 93880  
Albuquerque, NM 87199-3880  
(505) 823-2300

tguebert@guebertlaw.com

rgentile@guebertlaw.com

*Attorneys for Plaintiff*

STATE OF NEW MEXICO  
COUNTY OF SANTA FE  
FIRST JUDICIAL DISTRICT

D-101-CV-2016-02648

JAMES WALKER,

Plaintiff,

v.

KIMBERLY BARRERAS,  
THE STATE OF NEW MEXICO, and NEW MEXICO  
DEPARTMENT OF TRANSPORTATION,

Defendants.

### PEREMPTORY EXCUSAL

COMES NOW Plaintiff, James Walker, by and through his attorneys,  
Guebert Bruckner P.C., and pursuant to Rule 1-088.1, NMRA, peremptorily excuses the  
Honorable David K. Thomson as District Judge in this matter.

GUEBERT BRUCKNER P.C.

xc/ leadworker

By /s/ Robert F. Gentile  
Terry R. Guebert  
Robert F. Gentile  
P.O. Box 93880  
Albuquerque, NM 87199-3880  
(505) 823-2300  
[tguebert@guebertlaw.com](mailto:tguebert@guebertlaw.com)  
[rgentile@guebertlaw.com](mailto:rgentile@guebertlaw.com)  
*Attorneys for Plaintiff*

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DISTRICT COURT CLERK  
11/18/2016 1:46:10 PM  
STEPHEN T. PACHECO  
Bernadette Hernandez

FIRST JUDICIAL DISTRICT COURT  
COUNTY OF SANTA FE  
STATE OF NEW MEXICO

D-101-CV-2016-02648

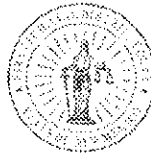
JAMES WALKER,  
Plaintiff,

V.

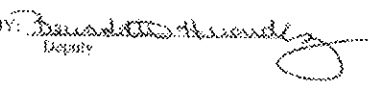
KIMBERLY BARRERAS,  
THE STATE OF NEW MEXICO and NEW MEXICO  
DEPARTMENT OF TRANSPORTATION,  
Defendants.

**NOTICE OF JUDGE ASSIGNMENT**

The above referenced cause has been reassigned to District Judge RAYMOND Z. ORTIZ, Division III, effective NOVEMBER 18, 2016 due to the **EXCUSAL** of District Judge DAVID K. THOMSON, Division VI.



STEPHEN T. PACHECO  
CLERK OF THE DISTRICT COURT

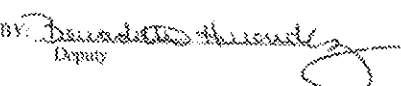
BY:   
Deputy

**CERTIFICATE**

I hereby certify that a true and correct copy of the foregoing was mailed/E-filed to counsel/parties on the 18<sup>TH</sup> day of November 2016. (All parties listed in the Odyssey E-file & Service Contacts)



STEPHEN T. PACHECO  
CLERK OF THE DISTRICT COURT

BY:   
Deputy

FILED IN MY OFFICE  
DISTRICT COURT CLERK  
11/23/2016 8:57:54 AM  
STEPHEN T. PACHECO  
Leticia Cunningham

SUMMONS	
District Court: FIRST JUDICIAL Santa Fe County, New Mexico Court Address: Post Office Box 2268 / 100 S. Catron Santa Fe, New Mexico 87504 / 87501 Court Telephone No.: 505-455-8250	Case Number: D-101-CV-2016-02648  Assigned Judge: Raymond Z. Ortiz
Plaintiff(s): James Walker  v.  Defendant(s): Kimberly Barreras, The State of New Mexico, and New Mexico Department of Transportation	Defendant Name: The State of New Mexico Address: c/o Hector Balderas Attorney General 408 Galisteo Street Villagra Building Santa Fe, NM 87501

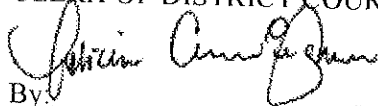
**TO THE ABOVE NAMED DEFENDANT(S):** Take notice that

1. A lawsuit has been filed against you. A copy of the Complaint is attached along with First Interrogatories and Requests for Production. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response to the Complaint with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). You must file your written response to First Interrogatories and Requests for Production with the Court no later than forty-five (45) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). The Courts address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 23rd day of November, 2016.

Stephen T. Pacheco  
CLERK OF DISTRICT COURT

GUEBERT BRUCKNER P.C.

By: 

Deputy



/s/ Robert F. Gentile

Terry R. Guebert  
Robert F. Gentile  
P.O. Box 93880  
Albuquerque, NM 87109  
(505) 823-2300 (Telephone)  
(505) 823-9600 (Facsimile)

## RETURN<sup>1</sup>

[ ] to \_\_\_\_\_ (name of person), \_\_\_\_\_,  
(title of person authorized to receive service. Use this alternative when the defendant is a

*corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).*

Fees: \_\_\_\_\_

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title (if any)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_<sup>2</sup>

\_\_\_\_\_  
Judge, notary or other officer  
authorized to administer oaths

\_\_\_\_\_  
Official title

FILED IN MY OFFICE  
DISTRICT COURT CLERK  
11/23/2016 8:57:54 AM  
STEPHEN T. PACHECO  
Leticia Cunningham

SUMMONS	
District Court: FIRST JUDICIAL Santa Fe County, New Mexico Court Address: Post Office Box 2268 / 100 S. Catron Santa Fe, New Mexico 87504 / 87501 Court Telephone No.: 505-455-8250	Case Number: D-101-CV-2016-02648  Assigned Judge: Raymond Z. Ortiz
Plaintiff(s): James Walker  v.  Defendant(s): Kimberly Barreras, The State of New Mexico, and New Mexico Department of Transportation	Defendant Name: The State of New Mexico Address: c/o Risk Management Division 1100 St. Francis Drive Joseph Montoya Bldg., Room 2073 Santa Fe, NM 87502

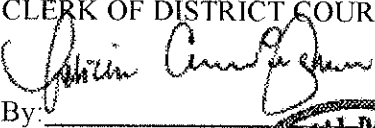
**TO THE ABOVE NAMED DEFENDANT(S):** Take notice that

1. A lawsuit has been filed against you. A copy of the Complaint is attached along with First Interrogatories and Requests for Production. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response to the Complaint with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). You must file your written response to First Interrogatories and Requests for Production with the Court no later than forty-five (45) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). The Courts address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 23rd day of November, 2016.

Stephen T. Pacheco  
CLERK OF DISTRICT COURT

GUEBERT BRUCKNER P.C.

By:   
Deputy



/s/ Robert F. Gentile

Terry R. Guebert  
Robert F. Gentile  
P.O. Box 93880  
Albuquerque, NM 87109  
(505) 823-2300 (Telephone)  
(505) 823-9600 (Facsimile)

## RETURN<sup>1</sup>

**(check one box and fill in appropriate blanks)**

[ ] to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

[ ] to \_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual place of abode of defendant \_\_\_\_\_, (used when the defendant is not presently at place of abode) and by mailing by first class mail to the defendant at \_\_\_\_\_ (insert defendant's last known mailing address) a copy of the summons and complaint.

[ ] to \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*).

[ ] to \_\_\_\_\_, an agent authorized to receive service of process for  
defendant \_\_\_\_\_.

[ ] to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant \_\_\_\_\_ (used when defendant is a minor or an incompetent person).

[ ] to \_\_\_\_\_ (*name of person*), \_\_\_\_\_,  
(*title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision*).

Fees: \_\_\_\_\_

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title (*if any*)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_<sup>2</sup>

\_\_\_\_\_  
Judge, notary or other officer  
authorized to administer oaths

\_\_\_\_\_  
Official title

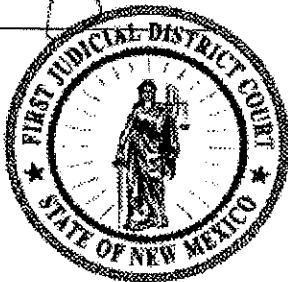
SUMMONS	
District Court: FIRST JUDICIAL Santa Fe County, New Mexico Court Address: Post Office Box 2268 / 100 S. Catron Santa Fe, New Mexico 87504 / 87501 Court Telephone No.: 505-455-8250	Case Number: D-101-CV-2016-02648  Assigned Judge: Raymond Z. Ortiz
Plaintiff(s): James Walker  v.  Defendant(s): Kimberly Barreras, The State of New Mexico, and New Mexico Department of Transportation	Defendant Name: New Mexico Department of Transportation Address: c/o Hector Balderas Attorney General 407 Galisteo Street Santa Fe, NM 87501

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4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 23rd day of November, 2016.Stephen T. Pacheco  
CLERK OF DISTRICT COURT

GUEBERT BRUCKNER P.C.

By Leticia Cunningham  
Deputy

/s/ Robert F. Gentile

Terry R. Guebert  
Robert F. Gentile  
P.O. Box 93880  
Albuquerque, NM 87109  
(505) 823-2300 (Telephone)  
(505) 823-9600 (Facsimile)

tguebert@guebertlaw.com  
rgentile@guebertlaw.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO  
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

**RETURN<sup>1</sup>**

STATE OF NEW MEXICO    )  
  )ss  
COUNTY OF \_\_\_\_\_ )

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in \_\_\_\_\_ county on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

**(check one box and fill in appropriate blanks)**

☐ to the defendant \_\_\_\_\_ (*used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to \_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual place of abode of defendant \_\_\_\_\_, (*used when the defendant is not presently at place of abode*) and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*) a copy of the summons and complaint.

☐ to \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*).

☐ to \_\_\_\_\_, an agent authorized to receive service of process for defendant \_\_\_\_\_.

☐ to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant \_\_\_\_\_ (*used when defendant is a minor or an incompetent person*).

[ ] to \_\_\_\_\_ (name of person), \_\_\_\_\_,  
(title of person authorized to receive service. Use this alternative when the defendant is a  
corporation or an association subject to a suit under a common name, a land grant board of  
trustees, the State of New Mexico or any political subdivision).

Fees: \_\_\_\_\_

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title (if any)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ 2

\_\_\_\_\_  
Judge, notary or other officer  
authorized to administer oaths

\_\_\_\_\_  
Official title

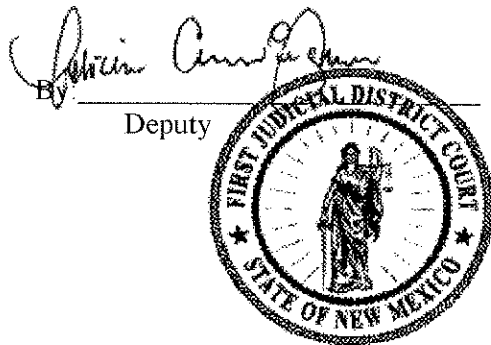
SUMMONS	
District Court: FIRST JUDICIAL Santa Fe County, New Mexico Court Address: Post Office Box 2268 / 100 S. Catron Santa Fe, New Mexico 87504 / 87501 Court Telephone No.: 505-455-8250	Case Number: D-101-CV-2016-02648  Assigned Judge: Raymond Z. Ortiz
Plaintiff(s): James Walker  v.  Defendant(s): Kimberly Barreras, The State of New Mexico, and New Mexico Department of Transportation	Defendant Name: New Mexico Department of Transportation Address: c/o Risk Management Division 1100 St. Francis Drive Joseph Montoya Bldg., Room 2073 Santa Fe, NM 87502

**TO THE ABOVE NAMED DEFENDANT(S):** Take notice that

1. A lawsuit has been filed against you. A copy of the Complaint is attached along with First Interrogatories and Requests for Production. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response to the Complaint with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). You must file your written response to First Interrogatories and Requests for Production with the Court no later than forty-five (45) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). The Courts address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 23rd day of November, 2016.Stephen T. Pacheco  
CLERK OF DISTRICT COURT

GUEBERT BRUCKNER P.C.

/s/ Robert F. GentileTerry R. Guebert  
Robert F. Gentile  
P.O. Box 93880  
Albuquerque, NM 87109  
(505) 823-2300 (Telephone)

(505) 823-9600 (Facsimile)

tguebert@guebertlaw.com

rgentile@guebertlaw.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO  
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

**RETURN<sup>1</sup>**

STATE OF NEW MEXICO )

)ss

COUNTY OF \_\_\_\_\_ )

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in \_\_\_\_\_ county on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

**(check one box and fill in appropriate blanks)**

☐ to the defendant \_\_\_\_\_ (*used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to \_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual place of abode of defendant \_\_\_\_\_, (*used when the defendant is not presently at place of abode*) and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*) a copy of the summons and complaint.

☐ to \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*).

☐ to \_\_\_\_\_, an agent authorized to receive service of process for defendant \_\_\_\_\_.

☐ to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant \_\_\_\_\_ (*used when defendant is a minor or an incompetent person*).

☐ to \_\_\_\_\_ (*name of person*), \_\_\_\_\_,

*(title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).*

Fees: \_\_\_\_\_

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title *(if any)*

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_<sup>2</sup>

\_\_\_\_\_  
Judge, notary or other officer  
authorized to administer oaths

\_\_\_\_\_  
Official title

SUMMONS	
District Court: FIRST JUDICIAL Santa Fe County, New Mexico Court Address: Post Office Box 2268 / 100 S. Catron Santa Fe, New Mexico 87504 / 87501 Court Telephone No.: 505-455-8250	Case Number: D-101-CV-2016-02648  Assigned Judge: Raymond Z. Ortiz
Plaintiff(s): James Walker  v.  Defendant(s): Kimberly Barreras, The State of New Mexico, and New Mexico Department of Transportation	Defendant Name: New Mexico Department of Transportation Address: 1120 Cerrillos Road Santa Fe, NM 87504-1149

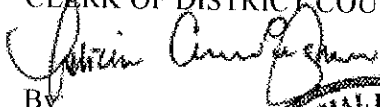
**TO THE ABOVE NAMED DEFENDANT(S):** Take notice that

1. A lawsuit has been filed against you. A copy of the Complaint is attached along with First Interrogatories and Requests for Production. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response to the Complaint with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). You must file your written response to First Interrogatories and Requests for Production with the Court no later than forty-five (45) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). The Courts address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 23rd day of November, 2016.

Stephen T. Pacheco  
CLERK OF DISTRICT COURT

GUEBERT BRUCKNER P.C.

By:   
Deputy



/s/ Robert F. Gentile

Terry R. Guebert  
Robert F. Gentile  
P.O. Box 93880  
Albuquerque, NM 87109  
(505) 823-2300 (Telephone)  
(505) 823-9600 (Facsimile)

tguebert@guebertlaw.com  
rgentile@guebertlaw.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO  
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

**RETURN<sup>1</sup>**

STATE OF NEW MEXICO    )  
  )ss  
COUNTY OF \_\_\_\_\_ )

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in \_\_\_\_\_ county on the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

**(check one box and fill in appropriate blanks)**

☐ to the defendant \_\_\_\_\_ (*used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint*)

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (*used when service is by mail or commercial courier service*).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to \_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual place of abode of defendant \_\_\_\_\_, (*used when the defendant is not presently at place of abode*) and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*) a copy of the summons and complaint.

☐ to \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's business address*) and by mailing the summons and complaint by first class mail to the defendant at \_\_\_\_\_ (*insert defendant's last known mailing address*).

☐ to \_\_\_\_\_, an agent authorized to receive service of process for defendant \_\_\_\_\_.

☐ to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant \_\_\_\_\_ (*used when defendant is a minor or an incompetent person*).

☐ to \_\_\_\_\_ (*name of person*), \_\_\_\_\_ (*title of person authorized to receive service. Use this alternative when the defendant is a*

*corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).*

Fees: \_\_\_\_\_

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title (*if any*)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_<sup>2</sup>

\_\_\_\_\_  
Judge, notary or other officer  
authorized to administer oaths

\_\_\_\_\_  
Official title

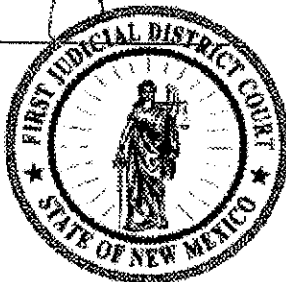
SUMMONS	
District Court: FIRST JUDICIAL Santa Fe County, New Mexico Court Address: Post Office Box 2268 / 100 S. Catron Santa Fe, New Mexico 87504 / 87501 Court Telephone No.: 505-455-8250	Case Number: D-101-CV-2016-02648  Assigned Judge: Raymond Z. Ortiz
Plaintiff(s): James Walker  v.  Defendant(s): Kimberly Barreras, The State of New Mexico, and New Mexico Department of Transportation	Defendant Name: Kimberly Barreras Address: 1727 Del Norte Dr. SW Albuquerque, NM 87105

**TO THE ABOVE NAMED DEFENDANT(S):** Take notice that

1. A lawsuit has been filed against you. A copy of the Complaint is attached along with First Interrogatories and Requests for Production. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response to the Complaint with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). You must file your written response to First Interrogatories and Requests for Production with the Court no later than forty-five (45) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). The Courts address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 23rd day of November, 2016.Stephen T. Pacheco  
CLERK OF DISTRICT COURT

GUEBERT BRUCKNER P.C.

By   
Deputy

/s/ Robert F. Gentile

Terry R. Guebert  
Robert F. Gentile  
P.O. Box 93880  
Albuquerque, NM 87109  
(505) 823-2300 (Telephone)  
(505) 823-9600 (Facsimile)

## RETURN<sup>1</sup>

[ ] to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant \_\_\_\_\_ (used when defendant is a minor or an incompetent person).

[ ] to \_\_\_\_\_ (*name of person*), \_\_\_\_\_,  
(*title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision*).

Fees: \_\_\_\_\_

\_\_\_\_\_  
Signature of person making service

\_\_\_\_\_  
Title (*if any*)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_<sup>2</sup>

\_\_\_\_\_  
Judge, notary or other officer  
authorized to administer oaths

\_\_\_\_\_  
Official title

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FILED IN MY OFFICE  
DISTRICT COURT CLERK  
12/14/2016 4:07:17 PM  
STEPHEN T. PACHECO  
Jill Nohl

FILED IN MY OFFICE  
DISTRICT COURT CLERK  
11/23/2016 8:57:54 AM  
STEPHEN T. PACHECO  
Leticia Cunningham

SUMMONS	
District Court: FIRST JUDICIAL Santa Fe County, New Mexico Court Address: Post Office Box 2268 / 100 S. Catron Santa Fe, New Mexico 87504 / 87501 Court Telephone No.: 505-455-8250	Case Number: D-101-CV-2016-02648  Assigned Judge: Raymond Z. Ortiz
Plaintiff(s): James Walker  v.  Defendant(s): Kimberly Barreras, The State of New Mexico, and New Mexico Department of Transportation	Defendant Name: New Mexico Department of Transportation Address: c/o Risk Management Division 1100 St. Francis Drive Joseph Montoya Bldg., Room 2073 Santa Fe, NM 87502

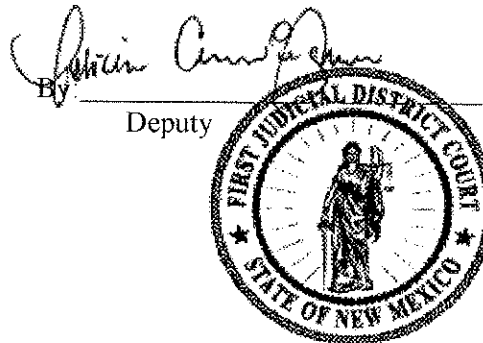
**TO THE ABOVE NAMED DEFENDANT(S):** Take notice that

1. A lawsuit has been filed against you. A copy of the Complaint is attached along with First Interrogatories and Requests for Production. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response to the Complaint with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). You must file your written response to First Interrogatories and Requests for Production with the Court no later than forty-five (45) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). The Courts address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
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6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 23rd day of November, 2016.

Stephen T. Pacheco  
CLERK OF DISTRICT COURT

GUEBERT BRUCKNER P.C.



/s/ Robert F. Gentile

Terry R. Guebert  
Robert F. Gentile  
P.O. Box 93880  
Albuquerque, NM 87109  
(505) 823-2300 (Telephone)

(505) 823-9600 (Facsimile)

[tguebert@guebertlaw.com](mailto:tguebert@guebertlaw.com)

[rgentile@guebertlaw.com](mailto:rgentile@guebertlaw.com)

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO  
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

**RETURN<sup>1</sup>**

STATE OF NEW MEXICO )

COUNTY OF Bernalillo )ss

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in Santa Fe county on the 5<sup>th</sup> day of December, 2016 by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

**(check one box and fill in appropriate blanks)**

☐ to the defendant \_\_\_\_\_ (used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint)

☒ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (used when service is by mail or commercial courier service).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to \_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual place of abode of defendant \_\_\_\_\_, (used when the defendant is not presently at place of abode) and by mailing by first class mail to the defendant at \_\_\_\_\_ (insert defendant's last known mailing address) a copy of the summons and complaint.

☐ to \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at \_\_\_\_\_ (insert defendant's business address) and by mailing the summons and complaint by first class mail to the defendant at \_\_\_\_\_ (insert defendant's last known mailing address).

☐ to \_\_\_\_\_, an agent authorized to receive service of process for defendant \_\_\_\_\_.

☐ to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant \_\_\_\_\_ (used when defendant is a minor or an incompetent person).

☐ to \_\_\_\_\_ (name of person), \_\_\_\_\_.

(title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

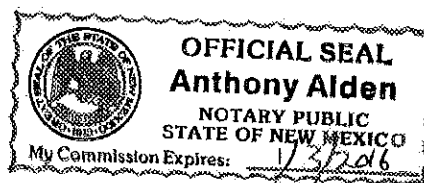
Fccs:                     

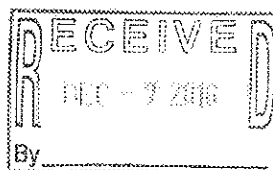
                      
Signature of person making service  
Legal Assistant  
Title (if any)

Subscribed and sworn to before me this 14<sup>th</sup> day of December, 2016<sup>2</sup>

                      
Judge, notary or other officer  
authorized to administer oaths

Notary Public  
Official title





SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<p>■ Complete Items 1, 2, and 3.</p> <p>■ Print your name and address on the reverse so that we can return the card to you.</p> <p>■ Attach this card to the back of the mailpiece, or on the front if space permits.</p> <p>1. Article Addressed to:</p> <p>New Mexico Department of Transportation c/o Risk Management Division 1100 St. Francis Drive Joseph Montoya Bldg., Room 2073 Santa Fe, NM 87502</p>		<p>A. Signature X <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>Gene Anderson</i></p> <p>C. Date of Delivery <i>DEC 7 2016</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>	
<p>2. Article Number (Transfer from carrier label) 9590 9402 1970 6123 3751 67</p> <p>7008 1830 0002 3329 7582</p>		<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®</p> <p><input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™</p> <p><input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery</p> <p><input type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™</p> <p><input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation Restricted Delivery</p>	
PS Form 3811, July 2015 PSN 7530-02-000-9053		Domestic Return Receipt	

7100.139 of TRG(RFG)

FILED IN MY OFFICE  
 STEPHEN T. PACHECO  
 DISTRICT COURT CLERK  
 12/14/2016 4:07:17 PM  
 Jill Nohl

FILED IN MY OFFICE  
 DISTRICT COURT CLERK  
 11/23/2016 8:57:54 AM  
 STEPHEN T. PACHECO  
 Leticia Cunningham

SUMMONS	
District Court: FIRST JUDICIAL Santa Fe County, New Mexico Court Address: Post Office Box 2268 / 100 S. Catron Santa Fe, New Mexico 87504 / 87501 Court Telephone No.: 505-455-8250	Case Number: D-101-CV-2016-02648  Assigned Judge: Raymond Z. Ortiz
Plaintiff(s): James Walker  v.  Defendant(s): Kimberly Barreras, The State of New Mexico, and New Mexico Department of Transportation	Defendant Name: New Mexico Department of Transportation Address: 1120 Cerrillos Road Santa Fe, NM 87504-1149

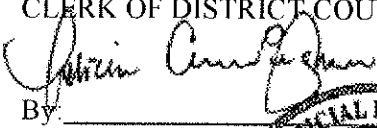
**TO THE ABOVE NAMED DEFENDANT(S):** Take notice that

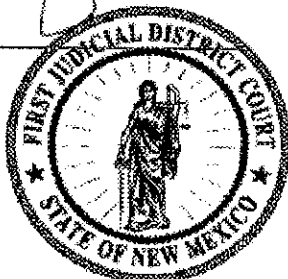
1. A lawsuit has been filed against you. A copy of the Complaint is attached along with First Interrogatories and Requests for Production. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response to the Complaint with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). You must file your written response to First Interrogatories and Requests for Production with the Court no later than forty-five (45) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). The Courts address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 23rd day of November, 2016.

Stephen T. Pacheco  
 CLERK OF DISTRICT COURT

GUEBERT BRUCKNER P.C.

By:   
 Deputy



/s/ Robert F. Gentile

Terry R. Guebert  
 Robert F. Gentile  
 P.O. Box 93880  
 Albuquerque, NM 87109  
 (505) 823-2300 (Telephone)  
 (505) 823-9600 (Facsimile)

tguebert@guebertlaw.com

rgentile@guebertlaw.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

**RETURN<sup>1</sup>**

STATE OF NEW MEXICO )

COUNTY OF Sandoval )ss

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in Sandoval county on the 17 day of November 2016, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

**(check one box and fill in appropriate blanks)**

☐ to the defendant \_\_\_\_\_ (used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint)

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (used when service is by mail or commercial courier service).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to \_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual place of abode of defendant \_\_\_\_\_, (used when the defendant is not presently at place of abode) and by mailing by first class mail to the defendant at \_\_\_\_\_ (insert defendant's last known mailing address) a copy of the summons and complaint.

☐ to \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at \_\_\_\_\_ (insert defendant's business address) and by mailing the summons and complaint by first class mail to the defendant at \_\_\_\_\_ (insert defendant's last known mailing address).

☒ to Daniel Pios, an agent authorized to receive service of process for defendant NM Department of Transportation

☐ to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant \_\_\_\_\_ (used when defendant is a minor or an incompetent person).

☐ to \_\_\_\_\_ (name of person), \_\_\_\_\_ (title of person authorized to receive service. Use this alternative when the defendant is a

corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: \_\_\_\_\_

[Signature]  
Signature of person making service  
[Signature]  
Title (if any)

Subscribed and sworn to before me this 12<sup>th</sup> day of Dec, 2016

[Signature]  
Judge, notary or other officer  
authorized to administer oaths

[Signature]  
Official title



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STEPHEN T. PACHECO  
Jill Nohl

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Leticia Cunningham

SUMMONS	
District Court: FIRST JUDICIAL Santa Fe County, New Mexico Court Address: Post Office Box 2268 / 100 S. Catron Santa Fe, New Mexico 87504 / 87501 Court Telephone No.: 505-455-8250	Case Number: D-101-CV-2016-02648  Assigned Judge: Raymond Z. Ortiz
Plaintiff(s): James Walker  v.  Defendant(s): Kimberly Barreras, The State of New Mexico, and New Mexico Department of Transportation	Defendant Name: New Mexico Department of Transportation Address: c/o Hector Balderas Attorney General 407 Galisteo Street Santa Fe, NM 87501

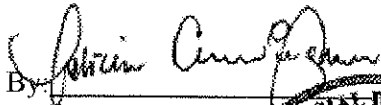
**TO THE ABOVE NAMED DEFENDANT(S):** Take notice that

1. A lawsuit has been filed against you. A copy of the Complaint is attached along with First Interrogatories and Requests for Production. The Court issued this Summons.
2. You must respond to this lawsuit in writing. You must file your written response to the Complaint with the Court no later than thirty (30) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). You must file your written response to First Interrogatories and Requests for Production with the Court no later than forty-five (45) days from the date you are served with this Summons. (The date you are considered served with the Summons is determined by Rule 1-004 NMRA). The Courts address is listed above.
3. You must file (in person or by mail) your written response with the Court. When you file your response, you must give or mail a copy to the person who signed the lawsuit.
4. If you do not respond in writing, the Court may enter judgment against you as requested in the lawsuit.
5. You are entitled to a jury trial in most types of lawsuits. To ask for a jury trial, you must request one in writing and pay a jury fee.
6. If you need an interpreter, you must ask for one in writing.
7. You may wish to consult a lawyer. You may contact the State Bar of New Mexico for help finding a lawyer at [www.nmbar.org](http://www.nmbar.org); 1-800-876-6657; or 1-505-797-6066.

Dated at Santa Fe, New Mexico, this 23rd day of November, 2016.

Stephen T. Pacheco  
CLERK OF DISTRICT COURT

GUEBERT BRUCKNER P.C.

By:   
Deputy



/s/ Robert F. Gentile

Terry R. Guebert  
Robert F. Gentile  
P.O. Box 93880  
Albuquerque, NM 87109  
(505) 823-2300 (Telephone)  
(505) 823-9600 (Facsimile)

tguebert@guebertlaw.com

rgentile@guebertlaw.com

THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO  
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

**RETURN<sup>1</sup>**

STATE OF NEW MEXICO )

COUNTY OF Santa Fe )ss

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in Santa Fe county on the 30<sup>th</sup> day of November 2016 by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

**(check one box and fill in appropriate blanks)**

☐ to the defendant \_\_\_\_\_ (used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint)

☐ to the defendant by [mail] [courier service] as provided by Rule 1-004 NMRA (used when service is by mail or commercial courier service).

After attempting to serve the summons and complaint on the defendant by personal service or by mail or commercial courier service, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

☐ to \_\_\_\_\_, a person over fifteen (15) years of age and residing at the usual place of abode of defendant \_\_\_\_\_, (used when the defendant is not presently at place of abode) and by mailing by first class mail to the defendant at \_\_\_\_\_ (insert defendant's last known mailing address) a copy of the summons and complaint.

☐ to \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at \_\_\_\_\_ (insert defendant's business address) and by mailing the summons and complaint by first class mail to the defendant at \_\_\_\_\_ (insert defendant's last known mailing address).

☒ to Jenny Garcia an agent authorized to receive service of process for defendant NM Dept of Transportation Director Balderas

☐ to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant \_\_\_\_\_ (used when defendant is a minor or an incompetent person).

[ ] to \_\_\_\_\_ (name of person), \_\_\_\_\_  
(title of person authorized to receive service. Use this alternative when the defendant is a corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: \_\_\_\_\_

Jessica Ward  
Signature of person making service  
Jessica Ward  
Title (if any)

Subscribed and sworn to before me this 12<sup>th</sup> day of Dec, 2016

Kristina L. Ward  
Judge, notary or other officer  
authorized to administer oaths

Notary  
Official title



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Plaintiff(s): James Walker  v.  Defendant(s): Kimberly Barreras, The State of New Mexico, and New Mexico Department of Transportation	Defendant Name: The State of New Mexico Address: c/o Hector Balderas Attorney General 408 Galisteo Street Villagra Building Santa Fe, NM 87501

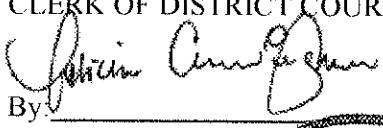
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Dated at Santa Fe, New Mexico, this 23rd day of November, 2016.

Stephen T. Pacheco  
CLERK OF DISTRICT COURT

GUEBERT BRUCKNER P.C.

By:   
Deputy

/s/ Robert F. Gentile

Terry R. Guebert  
Robert F. Gentile  
P.O. Box 93880  
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THIS SUMMONS IS ISSUED PURSUANT TO RULE 1-004 OF THE NEW MEXICO  
RULES OF CIVIL PROCEDURE FOR DISTRICT COURTS.

**RETURN<sup>1</sup>**

STATE OF NEW MEXICO )  
COUNTY OF Santa Fe )ss

I, being duly sworn, on oath, state that I am over the age of eighteen (18) years and not a party to this lawsuit, and that I served this summons in Santa Fe county on the 30<sup>th</sup> day of November 2016, by delivering a copy of this summons, with a copy of complaint attached, in the following manner:

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☐ to the defendant \_\_\_\_\_ (used when defendant accepts a copy of summons and complaint or refuses to accept the summons and complaint)

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☐ to \_\_\_\_\_, the person apparently in charge at the actual place of business or employment of the defendant and by mailing by first class mail to the defendant at \_\_\_\_\_ (insert defendant's business address) and by mailing the summons and complaint by first class mail to the defendant at \_\_\_\_\_ (insert defendant's last known mailing address).

☒ to Jenny Garcia, an agent authorized to receive service of process for defendant The State of New Mexico

☐ to \_\_\_\_\_, [parent] [guardian] [custodian] [conservator] [guardian ad litem] of defendant \_\_\_\_\_ (used when defendant is a minor or an incompetent person).

☐ to \_\_\_\_\_ (name of person), \_\_\_\_\_ (title of person authorized to receive service. Use this alternative when the defendant is a

corporation or an association subject to a suit under a common name, a land grant board of trustees, the State of New Mexico or any political subdivision).

Fees: \_\_\_\_\_

Kristina Ward  
Signature of person making service  
Kristina Ward  
Title (if any)

Subscribed and sworn to before me this 12<sup>th</sup> day of Dec., 2016

Kristina Ward  
Judge, notary or other officer  
authorized to administer oaths

Notary  
Official title

